

1 the annual OMR&R costs is a pre-requisite to receiving water in any Santa Clara Water Delivery  
2 Year. Upon payment of all delinquent OMR&R fees plus any late fee that has been assessed, a  
3 delinquent Santa Clara Project water user will again receive its water allocation, provided that  
4 delivery will not resume until the following Santa Clara Water Delivery Year if WCWCD, or any  
5 successor operator of the Santa Clara Project, determines that the delivery schedule that has  
6 already been set for that year cannot accommodate the delivery of water to the delinquent Santa  
7 Clara Project water user. WCWCD, or any successor operator of the Santa Clara Project, may  
8 take appropriate measures to recover OMR&R charges, including charging a late fee, which may  
9 include interest, for the nonpayment of OMR&R charges that are not paid by the due date, and  
10 may cease delivery of a user's water and distribute it to another user to recover delinquent  
11 OMR&R charges that continue for an extended period. The choice by a Santa Clara Project water  
12 user to forego or reduce the delivery of its Santa Clara Project Water Right for any period of time  
13 shall not affect that water user's obligation to pay its proportionate share of the operation,  
14 maintenance, repair and replacement costs.

15 7.6 After Congress has appropriated the One Million Dollars (\$1.0 million) and  
16 deposited same in the Shivwits Band Trust Fund, as set forth in Subsection 11.5(c), the United  
17 States shall have no further obligation for OMR&R costs associated with this Agreement.

18 8.0 Santa Clara Project Water Delivery.

19 8.1 Instream Flows.

20 8.1.1 WCWCD, Ivins Irrigation, Lower Gunlock, New Santa Clara, the Shivwits  
21 Band, St. George, and St. George Clara by agreement do hereby make available to the Utah  
22 Division of Wildlife Resources on a perpetual basis at Gunlock Reservoir sufficient water to  
23 provide 3.0 cfs of instream flow in the Santa Clara River immediately below Gunlock Reservoir.  
24 The instream flow water shall have first priority to water deliveries from the Santa Clara Project.

25 8.1.2 The Utah Division of Wildlife Resources shall file for and secure the  
26 approval of the Utah State Engineer for an instream flow water right in the amount of 3.0 cfs in the  
27 Santa Clara River from Gunlock Reservoir downstream to the point of diversion for Bloomington.